

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES DANIEL SMALLBOY,

Defendant.

**CR-18-13-GF-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on October 19, 2022. (Doc. 107.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on October 18, 2022. (Doc. 102.) The United States accused James Daniel Smallboy (Smallboy) of violating his conditions of supervised release 1) by failing to report for substance abuse treatment on 3 separate occasions; 2) by using methamphetamine on 4 separate occasions; and 3) by consuming alcohol. (Doc. 99.)

At the revocation hearing, Smallboy admitted to violating the conditions of his supervised release 1) by failing to report for substance abuse treatment on 3 separate occasions; 2) by using methamphetamine on 4 separate occasions; and 3) by consuming alcohol. (Doc. 102.) Judge Johnston found that the violations Smallboy admitted proved to be serious and warranted revocation, and recommended revocation of Smallboy's supervised release and recommended that Smallboy receive a custodial sentence of 4 months, with no supervised release to follow. (Doc. 107.) Smallboy was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 102.) The violations prove serious and warrant revocation of Smallboy's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 51) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant James Daniel Smallboy be sentenced to the Bureau of Prisons for 4 months, with no supervised release to follow.

DATED this 3rd day of November, 2022.

A handwritten signature in blue ink, reading "Brian Morris".

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Brian Morris, Chief District Judge  
United States District Court